

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

July 21, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: _____ klw
DEPUTY

RICHARD A. FUNK, INDIVIDUALLY,
AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED; AND
RACHAEL FUNK, INDIVIDUALLY,
AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED;

Plaintiffs

VS

NEWREZ LLC,
Defendant

Case No. A-22-CV-00301-JRN

SCHEDULING ORDER

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, the Court issues the following Scheduling Order:

IT IS ORDERED THAT:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed on or before **May 26, 2023**.
2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before **December 2, 2022**, and each opposing party shall respond, in writing, on or before **December 16, 2022**. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The parties are further **ORDERED** to retain the written offers of settlement and responses as the Court will use these in assessing attorney's fees and court costs at the conclusion of trial.

3. The parties shall file all motions to amend or supplement pleadings and all motions to join additional parties on or before **February 28, 2023**.

4. All parties asserting claims for relief shall file and serve on all other parties their designation of potential witnesses, testifying experts, and proposed exhibits, and shall serve on all other parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before **June 15, 2023**. Parties resisting claims for relief shall file and serve on all other parties their designations of potential witnesses, testifying experts, and proposed exhibits, and shall serve on all other parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before **July 13, 2022**. All designations of rebuttal experts shall be filed and served on all other parties within **fourteen (14) days** of receipt of the report of the opposing expert, and the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) for such rebuttal experts, to the extent not already served, shall be served, but not filed, on all other parties within **fourteen (14) days** of receipt of the report of the opposing expert.

5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within **fourteen (14) days** of receipt of the written report of the expert's proposed testimony or within **fourteen (14) days** of the expert's deposition, if a deposition is taken, whichever is later. **The failure to strictly comply with this paragraph will be deemed a waiver of any objection that could have been made pursuant to Federal Rule of Evidence 702.**

6. The parties shall complete discovery on or before **October 23, 2023**. Counsel may, by agreement, continue discovery beyond the deadline, but there will be no intervention by

the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions shall be filed and served on all other parties on or before **November 20, 2023** and shall be limited to **ten (10) pages in length**. Responses shall be filed and served on all other parties **within fourteen (14) days** of the service of the motion and shall be limited to **ten (10) pages in length**. Any replies shall be filed and served on all other parties **within seven (7) days** of the service of the response and shall be limited to **five (5) pages in length**, but the Court need not wait for the reply before ruling on the motion. Unless otherwise directed by the Court, a party may file no more than one motion for summary judgment, without first obtaining leave of court for good cause.

The Court, not the parties, shall complete the following paragraph 8.

8. This case will be set for final pretrial conference and a trial on LATER DATES SET BY THE COURT. The final pretrial conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties. In addition to counsel, party representatives with authority to negotiate a settlement and all other persons necessary to negotiate a settlement shall attend the final status conference. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of the final pretrial conference.

SIGNED this 21st day of July, 2023.



JAMES R. NOWLIN
SENIOR UNITED STATES DISTRICT JUDGE